

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEROME L. GRIMES,

Plaintiff,

v.

ELIZABETH ORTON, *et al.*,

Defendants.

Case No. 3:23-cv-00152-MMD-CLB

ORDER

I. SUMMARY

Pro se Plaintiff Jerome L. Grimes filed an application to proceed *in forma pauperis* (“IFP application”) and brings this civil rights action against Defendants Elizabeth Orton—Public Defender of Douglas County, Colorado—and Douglas County Municipal. (ECF No. 1-1 (“Complaint”).) Before the Court is a Report and Recommendation (“R&R”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 3), recommending the Court deny Plaintiff’s IFP application (ECF No. 1) as moot and dismiss his Complaint (ECF No. 1-1) for lack of personal jurisdiction and improper venue. Plaintiff filed an objection to the R&R. (ECF No. 4 (“Objection”).) Because the Court agrees with Judge Baldwin’s analysis, the Court will accept and adopt the R&R in full. Accordingly, the Court will dismiss the Complaint and deny the IFP application as moot.

II. BACKGROUND

The Court incorporates by reference Judge Baldwin’s summary of Plaintiff’s allegations in the Complaint, provided in the R&R, which the Court adopts. (ECF No. 3 at 3.)

III. DISCUSSION

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party

1 timely objects to a magistrate judge's report and recommendation, then the Court is
2 required to "make a de novo determination of those portions of the [report and
3 recommendation] to which objection is made." *Id.* The Court's review is thus de novo
4 because Plaintiff filed his Objection. (ECF No. 4.)

5 Judge Baldwin recommends dismissing the Complaint because the Court appears
6 to lack personal jurisdiction over Defendants and venue is improper here. (ECF No. 3 at
7 4.) In particular, Judge Baldwin found that based on the allegations in the Complaint: (1)
8 Defendants reside in Colorado, not Nevada; (2) the events giving rise to the claim
9 occurred in Colorado; and (3) "[t]here is no apparent tie to the State of Nevada, except
10 that Grimes asserts a 'similar repeat offense by State Actor Public Defender' in the State
11 of Nevada, City of Elko previously occurred." (ECF No. 3 at 4.)

12 In his Objection, Plaintiff does not address any of Judge Baldwin's findings as to
13 personal jurisdiction and venue. (ECF No. 4 at 1-2.) Plaintiff instead appears to assert
14 that he had "exhausted" his remedies in the District of Colorado when the clerks in that
15 court sent his legal mail to his address in Florida rather than a different temporary mailing
16 address, allegedly to "intimidate" Plaintiff in violation of his rights to access federal courts.
17 (*Id.* at 1.) Even if Plaintiff's contentions were true, they are wholly irrelevant to finding
18 proper venue in Nevada or personal jurisdiction over Defendants.

19 The Court agrees with Judge Baldwin's analysis and similarly finds that Plaintiff
20 has not alleged that any Defendant resides in Nevada, that a substantial part of the events
21 giving rise to his claims occurred in Nevada, or that Defendants have any ties to Nevada
22 such that they are subject to this Court's personal jurisdiction. See 28 U.S.C. § 1391(b)
23 (venue standard). The Court therefore finds venue is improper here. Under 28 U.S.C. §
24 1406(a), the Court may dismiss a case for improper venue and chooses to do so here.
25 Accordingly, the Court overrules Plaintiff's Objection, adopts Judge Baldwin's
26 recommendation, dismisses the Complaint without prejudice for improper venue, and
27 denies the IFP application as moot.

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1 **IV. CONCLUSION**

2 The Court notes that the parties made several arguments and cited to several
3 cases not discussed above. The Court has reviewed these arguments and cases and
4 determines that they do not warrant discussion as they do not affect the outcome of the
5 issues before the Court.

6 It is therefore ordered that Plaintiff's objection (ECF No. 4) to the Report and
7 Recommendation of U.S. Magistrate Judge Carla L. Baldwin is overruled.

8 It is further ordered that Judge Baldwin's Report and Recommendation (ECF No.
9 3) is accepted and adopted in full.


10 It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF
11 No. 1) is denied as moot.

12 The Clerk of Court is directed to file Plaintiff's complaint (ECF No. 1-1).

13 It is further ordered that Plaintiff's complaint (ECF No. 1-1) is dismissed without
14 prejudice.

15 The Clerk of Court is directed to enter judgment accordingly and close this case.

16 DATED THIS 3rd Day of May 2023.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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